

FORM PTO-1390  
(REV 07-2005)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
65836.00005

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

DATE: March 10, 2006

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.5)  
10/557,607

INTERNATIONAL APPLICATION NO.  
PCT/JP2004/000297

INTERNATIONAL FILING DATE  
16 January 2004

PRIORITY DATE CLAIMED  
22 May 2003

TITLE OF INVENTION: METHOD FOR CROSSING FLOWERING PLANTS BASED ON THEIR PIGMENT GENOTYPES

APPLICANT(S) FOR DO/EO/US: Fumio HASHIMOTO; Yusuke SAKATA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
(THE BASIC FILING FEE IS ATTACHED)
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ Substitute Declaration
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98, along with form PTO-1449 and 1 Reference.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ Application Data Sheet.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: CHECK NO. 14178; Submission of Substitute Declaration

|   |              |   |                   |   |    |
|---|--------------|---|-------------------|---|----|
| U.S. APPLN. NO. (IF KNOWN,<br>SEE 37 C.F.R. 1.50) 10/557,607  |              | INTERNATIONAL APPLICATION<br>NO. PCT/JP2004/000297                            |                   | ATTORNEY DOCKET NO. 65836.00005<br><br>DATE: March 10, 2006 |    |
| The following fees have been submitted<br>21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a))..... <b>\$300.00</b>  |              |   |                   | CALCULATIONS   PTO USE ONLY                                 |    |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) <ul style="list-style-type: none"> <li>• If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4) ..... <b>\$0.00</b></li> <li>• All other situations..... <b>\$200.00</b></li> </ul>  |              |   |                   |   |    |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) <ul style="list-style-type: none"> <li>• If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0.00</b></li> <li>• Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the United States Patent &amp; Trademark Office as an International Search Authority..... <b>\$100.00</b></li> <li>• International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400.00</b></li> <li>• All other situations..... <b>\$500.00</b></li> </ul> |              |   |                   |   |    |
| <b>TOTAL OF 21, 22 and 23 =</b>   |              |   |                   |   |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].   |              |   |                   |   |    |
| Claims  | Number Filed | Number Extra  | Rate              |   |    |
| Total Claims  | 16 - 20 =    | 0   | X \$ 50.00        |   |    |
| Independent Claims  | 2 - 3 =      | 0   | X \$ 200.00       |   |    |
| Multiple dependent claim(s) (if applicable)   |              |   | + \$360.00        |   |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250.00</b> for each additional 50 sheets of paper or fraction thereof.  |              |   |                   |   |    |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE              |   |    |
| - 100 =   | /50 =        |   | X <b>\$250.00</b> |   |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |                   |   |    |
| Reduction by one-half for filing by small entity, if applicable.<br><b>Applicant claims small entity status. See 37 CFR 1.27.</b>   |              |   |                   |   |    |
| <b>SUBTOTAL =</b>   |              |   |                   |   |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)]. +  |              |   |                   |   |    |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |                   |   |    |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +  |              |   |                   | \$40.00   |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |                   | \$ 40.00  |    |
|   |              |   |                   | Amount to be refunded                                       | \$ |
|   |              |   |                   | Charged   | \$ |

U.S. APPLN. NO. (IF KNOWN,  
SEE 37 C.F.R. 1.50) 10/557,607

INTERNATIONAL APPLICATION  
NO. PCT/JP2004/000297

ATTORNEY DOCKET NO. 65836.00005


DATE: March 10, 2006

- a. ☒ A check in the amount of \$40.00 to cover the above fees is enclosed.
- b. ☐ Please charge Counsel's Deposit Account No. 50-2222 in the amount of \$\_\_\_\_\_ to cover the above fee.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-2222.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 32294  
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Douglas H. Goldhush  
Reg. No. 33,125

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HASHIMOTO et al

Group Art Unit: Unknown

Application No.: 10/557,607

Examiner: Unknown

Filed: November 22, 2005

Attorney Dkt. No.: 65836.00005

For: METHOD FOR CROSSING FLOWERING PLANTS BASED ON THEIR  
PIGMENT GENOTYPES

**SUBMISSION OF SUBSTITUTE DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

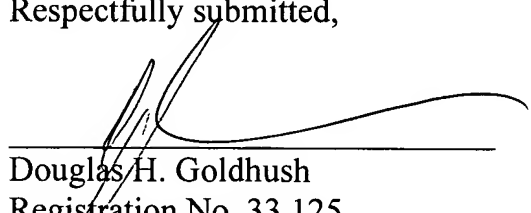
March 10, 2006

Sir:

Applicants herewith submit a Substitute Declaration for the above-referenced application which has been signed and dated by the inventors.

It is respectfully submitted that no fee is required for this submission, however, please charge any fee deficiency or credit any overpayment to Counsel's Deposit Account No. 50-2222.

Respectfully submitted,



Douglas H. Goldhush  
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DHG/scw

Enclosure: Substitute Declaration